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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,637	10/23/2003	Makoto Nagasawa	03USFP917-M.K.	9154
21254 7590 06/06/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER ALAM, FAYYAZ	
			ART UNIT 2618	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/690,637	Applicant(s) NAGASAWA, MAKOTO	
	Examiner Fayyaz Alam	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

This action is in response to applicant's amendment/arguments filed on 2/26/2007. **This action is made FINAL.**

### *Response to Arguments*

Applicant's arguments with respect to claims 1 - 14 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that Ono et al. (USPN 2004/0192412) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443

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(Fed. Cir. 1992). In this case, Ono discloses supplying power to the various parts of the cell phone while at the same time Okano discloses controlling power to the cell phone transmitting part. Therefore, the two references are analogous since they both deal with power in cell phones. Furthermore, they are both pertinent since the claimed invention deals with controlling and turning on/off power in the cell phone.

### ***Claim Rejections - 35 USC § 103***

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1, 2, 7 - 9, 13, 14, and 15 - 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Okano (UK Application # GB 2,343,335)** in view of **Usami (EPN EP 1,199,900)**.

Consider **claims 1 and 9**, Okano discloses system and a method of power saving in a mobile terminal comprising: a power circuit (11) (read as battery) coupled to the transmitting and receiving section (7 & 8) (read as radio communication block); a power supply circuit (13) (read as power supply block), which distributes power from the power circuit (11) (read as battery) to all parts of the mobile terminal (read as through a

first switch and directly to key operation section) (see fig. 1; pg. 6, lines 8 - 9); a transmitting and receiving section (7 & 8) (read as radio communication block) which communicates with a base station when said power is supplied from said power circuit (11) (read as battery) through a power supply circuit (13) (read as power supply block), since it is a mobile phone, therefore it will be in communication with the base station to accomplish its purpose (see fig. 1); a switch (12) (read as a first switch) which is interposed between said power supply circuit (13) (read as power supply block) and transmitting and receiving section (7 & 8) (read as radio communication block) (see fig. 1); a data input section (6) (read as key operation section) to which power is always supplied from said power circuit (11) (read as battery) through said power supply circuit (13) (read as power supply block) (see fig. 1); a control circuit (1) (read as control unit) which controls said switch (12) (read as first switch) to cut-off (read as stop) the power supply to the transmitting and receiving section (7 & 8) (read as radio communication block) in response to a user input from the data input section (60) (read as in response to a manual key operation of said key operation section) such that communication function is terminated (see fig. 1; pg. 5 line 20 - pg. 6, line 20).

However, Okano fails to disclose that the communication is stopped between the mobile terminal and the base station in response to the operation of the switch.

In the related field of endeavor, Usami discloses using control means (14) (read as switch) to turn the power supply of the transmitting/receiving section (16) off (read as stop communication between mobile terminal and base station) in response to the user

instruction through the input mean (15) (read as manual operation of key) (see abstract; fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano with the teachings of Usami in order to completely prevent communication of a cell phone device and thereby avoiding malfunctioning of other critical electronic devices.

Consider **claim 2** as applied to claim 1, Okano discloses while the communication of the transmitting and receiving section (7 & 8) (read as radio communication block) with the base station is stopped, the information processing functions (read as base band block) are supplied with power and applications such as telephone directory, browser, schedule manager, etc. (read as application functions) can remain effective (see fig. 1; pg. 7, lines 1 - 11).

Consider **claims 7, 13, and 19** as applied to claims 1, 9, and 15, Okano discloses user inputs a transmission suspension command (read as manual operation of a key) through the data input section (6) (read as key operation section) and the control circuit (1) (read as control unit) controls the switch (12) (first switch) to be turned off and in the event the transmission suspension period is ended the user inputs a command (read as manual operation) which cancels the power cut off signal and consequently the switch (12) (read as controlling said first switch) is turned on (see pg. 6, lines 13 - 20; pg. 11, lines 11 - 19).

Consider **claims 8, 14, and 20** as applied to claims 1, 9, and 15, Okano discloses a timer (9) with a certain time limit (read as predetermined time is set) and the

timer counts down the transmission suspension time and when the timer runs out (read as timer measures the predetermined time) the portable communication system is returned to normal operation (read as control unit controls said first switch to be turned on) (see pg. 6 lines 7 - 20; pg. 7, lines 16 - 23).

Consider **claim 15**, Okano discloses system of power saving in a mobile terminal comprising: a power circuit (11) (read as battery) coupled to the transmitting and receiving section (7 & 8) (read as radio communication block); a power supply circuit (13) (read as power supply block), which distributes power from the power circuit (11) (read as battery) to all parts of the mobile terminal (read as through a first switch and directly to key operation section) (see fig. 1; pg. 6, lines 8 - 9); a transmitting and receiving section (7 & 8) (read as radio communication block) which communicates with a base station when said power is supplied from said power circuit (11) (read as battery) through a power supply circuit (13) (read as power supply block), since it is a mobile phone, therefore it will be in communication with the base station to accomplish its purpose (see fig. 1); a switch (12) (read as a first switch) which is interposed between said power supply circuit (13) (read as power supply block) and transmitting and receiving section (7 & 8) (read as radio communication block) (see fig. 1); a data input section (6) (read as key operation section) to which power is always supplied from said power circuit (11) (read as battery) through said power supply circuit (13) (read as power supply block) (see fig. 1); a control circuit (1) (read as control unit) which controls said switch (12) (read as first switch) to cut-off (read as stop) the power supply to the transmitting and receiving section (7 & 8) (read as radio communication block) in

response to a user input from the data input section (60) (read as in response to a manual key operation of said key operation section) such that communication function is terminated (see fig. 1; pg. 5 line 20 - pg. 6, line 20).

However, Okano fails to disclose a base band block to which said power is always supplied from said battery through said power supply block which accomplishes application functions other than a communication function using said radio communication block; a second switch interposed between said base band block and said radio communication block; a control unit which is responsive to a manual operation from said key operation section that controls said first switch to stop the power supply from said battery to said radio communication block, and controls said second switch to stop communication between said base band block from said radio communication block.

In the related field of endeavor, Usami discloses using control means or controller (14) (read as first and second switch and control unit) to turn the power supply of the transmitting/receiving section (16) off (read as stop communication between mobile terminal and base station) in response to the user instruction through the input mean (15) (read as manual operation of key) (see abstract; fig. 1). In addition, Usami discloses, the main power supply is ON even when communication can be executed and therefore a base band block will be supplied with and will be able to accomplish application functions. And since the transmitting/receiving section is OFF, no communication between "base band block" and "radio communications block" can take place (see [0026 - 0029; 0035]).



Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano with the teachings of Usami in order to completely prevent communication of a cell phone device and thereby avoiding malfunctioning of other critical electronic devices.

Consider claims **16 and 17** as applied to claim 15, Okano fails to disclose said claims.

In the related field of endeavor, Usami disclose controller (14) (read as control unit and first and second switch) controls to turn off the transmitting/receiving section (16) (read as stop communication between the mobile terminal and the base station) (see abstract; fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano with the teachings of Usami in order to completely prevent communication of a cell phone device and thereby avoiding malfunctioning of other critical electronic devices.

Consider **claim 18** as applied to claim 15, Okano fails to disclose said claim.

In the related field of endeavor, Usami discloses main power supply of the mobile terminal is ON and therefore applications functions of the mobile terminal can carried out while the communication functions are OFF. Therefore, the "base band block" and the "radio communication block" will be effectively disconnected since the power is not supplied to the "radio communication block" (see abstract; [0035]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano with the teachings of

Usami in order to completely prevent communication of a cell phone device and thereby avoiding malfunctioning of other critical electronic devices.

**Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Okano (UK Patent Application # 2,343,335)** in view of **Ono et al. (U.S. Application # 2004/0192412)**.

Consider **claim 3** as applied to claim 2, Okano fails to disclose a second switch which is interposed between said base band block and said radio communication block, wherein said control unit is contained in said base band block and controls said second switch to disconnect said base band block from said radio communication block.

In the related field of endeavor, Ono et al. disclose switching means (1025) (read as second switch) which is interposed between processor for telephone functions (101) (read as radio communication block) and processor for application functions (102) (read as base band block), wherein pronunciation control part (read as control unit) is contained in the processor for application functions (102) (read as base band block) and controls switching means (1025) (read as second switch) to disconnect processor for application functions (102) (read as base band block) from the processor for telephone functions block (read as radio communications block) (see fig. 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano with the teachings of Ono et al. in order to provide power consumption.

**Claims 4, 5, and 10 - 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Okano (UK Patent Application # 2,343,335)** in view of **Bach et al. (U.S. Application # 2001/0023182)**.

Consider **claims 4 and 11** as applied to claims 1 and 9, Okano fails to explicitly disclose a base band block which is connected with said first switch, wherein the power supply to said base band block is stopped when said control unit controls said first switch to stop the power supply from said battery to said radio communication block in response to said manual operation of said key operation section and supplying the power of said battery to a base band block in addition to said radio communication block, and said controlling step further comprises: controlling said first switch to stop the power supply from said battery to said base band block in addition to said radio communication block in response to said manual operation of said key operation section.

In the related field of endeavor, Bach et al. discloses cellular phone with a power button (read as first switch), where, when said button is in OFF position (read as manual operation of said key operation) the cellular phone is inoperable and cannot receive or transmit calls and when the power button is in ON position the cellular phone can receive and transmit communications (read as supplying power to base band block and radio communication block). It is well-known to the art of cell or mobile phones to have a base band and a radio communication block and when the power button is turned off to the said phone, the power is stopped to all parts of the phone thereby effectively disconnecting the base band block to the radio communication block since the base

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band and radio communication blocks are essential to the operability of the mobile phone (read as a base band block which is connected with said first switch, wherein the power supply to said base band block is stopped when said control unit controls said first switch to stop the power supply from said battery to said radio communication block in response to said manual operation of said key operation section) (see [0004]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano with the teachings of Bach et al. in order to conserve power.

Consider **claim 5** as applied to claim 4, Okano discloses information processing function of the portable communication system is supplied with power while the communication is stopped with the base station and application functions such as telephone directory, browser, schedule manager, etc. can be carried out (read as an application function block to which said power is always supplied from said battery through said power supply block and is possible to accomplish application functions; see fig. 1; pg. 7, lines 1 - 11).

Consider **claim 10** as applied to claim 9, Okano discloses communication through the transmitting and receiving section (7 & 8) (read as radio communication block) with the base station and carrying out information processing functions (read as base band block) when the power is supplied to applications such as telephone directory, browser, schedule manager, etc. (read as application functions) (see fig. 1; pg. 7, lines 1 - 11).

However, Okano fails to disclose disconnecting said base band block from said radio communication block in response to said manual operation of the key of said key operation section.

In the related field of endeavor, Bach et al. discloses cellular phone with a power button (read as first switch), where, when said button is in OFF position (read as manual operation of said key operation) the cellular phone is inoperable and cannot receive or transmit calls and when the power button is in ON position the cellular phone can receive and transmit communications (read as supplying power to base band block and radio communication block). It is well-known to the art of cell or mobile phones to have a base band and a radio communication block and when the power button is turned off to the said phone, the power is stopped to all parts of the phone thereby effectively disconnecting the base band block to the radio communication block since the base band and radio communication blocks are essential to the operability of the mobile phone (read as a disconnecting said base band block from said radio communication block in response to said manual operation of the key of said key operation section) (see [0004]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano with the teachings of Bach et al. in order to conserve power.

Consider **claim 12** as applied to claim 11, Okano discloses communication through the transmitting and receiving section (7 & 8) (read as radio communication block) with the base station and carrying out information processing functions (read as

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base band block and application function block) when the power is supplied to applications such as telephone directory, browser, schedule manager, etc. (read as application functions) (see fig. 1; pg. 7, lines 1 - 11).

However, Okano fails to disclose disconnecting said application function block from said base band block in response to said manual operation of the key of said key operation section.

In the related field of endeavor, Bach et al. discloses cellular phone with a power button (read as key), where, when said button is in OFF position (read as manual operation of the key of said key operation section) the cellular phone is inoperable and cannot receive or transmit calls and when the power button is in ON position the cellular phone can receive and transmit communications (read as supplying power to base band block and radio communication block) and when the power button is in the ON position the mobile is able to communicate with the base station. It is well-known to the art of cell or mobile phones to have a base band, application function, and a radio communication block and when the power button is turned off to the said phone, the power is stopped to all parts of the phone thereby effectively disconnecting the base band block from the radio communication block and the application function block since the base band and radio communication blocks are essential to the operability of the mobile phone (read as disconnecting said application function block from said base band block in response to said manual operation of the key of said key operation section) (see [0004]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano with the teachings of Bach et al. in order to conserve power.

**Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Okano (UK Patent Application # 2,343,335)** in view of **Bach et al. (U.S. Application # 2001/0023182)** and further in view of **Guterman (U.S. Patent # 7,062,303)**.

Consider **claim 6** as applied to claim 5, Okano as modified by Bach et al. fail to disclose a second switch which is interposed between said application function block and said base band block, wherein said control unit is contained in said application function block and controls said second switch to disconnect said base band block from said application function block.

In the related field of endeavor, Guterman disclose general purpose processor (24) (read as application function block) and baseband processor (12) (read as base band block) comprising of software for implementing a power saving feature (read as second switch interposed between application function and base band block), wherein a power saving software feature (also read as control unit) contained in both the baseband processor (12) and general purpose processor (24) (read as control unit contained in application function block) that controls the power saving software feature (read as second switch) to lower the power consumption states (read as disconnect said base band block from the said application block) (see fig. 1; col. 1, lines 9 - 17; col. 2, lines 1 - 29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano as modified by Bach et al. with the teachings of Guterman et al. in order to conserve power.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

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*Fayyaz Alam*

April 19, 2007

EDAN ORGAD  
PRIMARY PATENT EXAMINER

*Edan Orgad 4/19/07*